

DPW

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 4/8/05 Signature: Joanne Ryan
(Joanne Ryan)

Docket No.: CTCH-P01-021
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fink et al.

Application No.: 10/686492

Confirmation No.: 3542

Filed: October 14, 2003

Art Unit: 3762

For: OPTICALLY POWERED AND OPTICALLY
DATA-TRANSMITTING WIRELESS
INTRAOCULAR PRESSURE SENSOR
DEVICE

Examiner: Not Yet Assigned

PETITION UNDER 37 C.F.R. 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that Yu-Chong Tai and Ellis Meng be removed inventors from the above-identified application.

REMARKS

This petition is submitted in accordance with 37 C.F.R. 1.48 (a) to convert the above-identified application from an application of Wolfgang Fink, Eui-Hyeok Yang, Yoshi Hishinuma, Choonsup Lee, Thomas George, Yu-Chong Tai, Ellis Meng, and Mark Humayun to an application of Wolfgang Fink, Eui-Hyeok Yang, Yoshi Hishinuma, Choonsup Lee, Thomas George, and Mark Humayun. These six individuals are the actual inventors of the invention described and presently claimed in the application.

04/12/2005 FMETEKI1 00000026 181945 10686492

01 FC:1464 130.00 DA

ATTACHMENTS

Accompanying this petition are


- (a) a statement by Yu-Chong Tai, establishing that the error of his inclusion as an inventor occurred without deceptive intent,
- (b) a statement by Ellis Meng, establishing that the error of his inclusion as an inventor occurred without deceptive intent,
- (c) a declaration by remaining inventors establishing that they are the true inventors of the claimed subject matter, and
- (d) a statement by the assignee, California Institute of Technology, establishing consent to amend the inventorship in this application.

CONCLUSION

Applicants request that the petition fee in the amount of \$130.00 be charged to Deposit Account No. 18-1945, under Order No. CTCH-P01-021 from which the undersigned is authorized to draw.

Dated: April 8, 2005

Respectfully submitted,

By 

Edward A. Gordon

Registration No.: 54,130

ROPES & GRAY LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

(617) 951-7050 (Fax)

Attorneys/Agents For Applicant



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fink, et al.

Application No: 10/686,492

Filed: October 14, 2003

For: Optically Powered and Optically
Data-Transmitting Wireless
Intraocular pressure Sensor Device

Attorney Document No. CTCH-P01-021

Art Unit: 3762

Examiner: Not Yet Assigned

Commissioner for Patents
Washington, D.C. 20231

Consent of Assignee

Sir:

Assignee, California Institute of Technology, a non-profit organization with offices at 1200 East California Boulevard, Pasadena, CA 91125, hereby consents to Petitioner/Inventor's request to amend the inventorship under 37 C.F.R. §1.48(a) to delete Yu-Chong Tai and Ellis Meng as inventors in the present application.

Respectfully submitted,
California Institute of Technology

By: 

Name: Adam Cochran

Title: The Intellectual Property Counsel

Date: August 02, 2004



PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/686492
		Filing Date	October 14, 2003
		First Named Inventor	Wolfgang Fink
		Art Unit	3762
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	14	Attorney Docket Number	CTCH-P01-021

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Consent of Assignee; Statement of Ellis Meng; Statement of Yu-Chong Tai; Declaration Return Receipt Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	ROPES & GRAY LLP		
Signature			
Printed name	Edward A. Gordon		
Date	April 8, 2005	Reg. No.	54,130

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Dated: <u>4/8/05</u>	Signature: <u>Joanne Ryan</u> (Joanne Ryan)



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

PROCESSING FEE Under 37 CFR 1.17(i) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/686492
	Filing Date	October 14, 2003
	First Named Inventor	Wolfgang Fink
	Art Unit	3762
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	CTCH-P01-021

Enclosed is a paper filed under 37 CFR _____ 1.48 _____ that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 18-1945 :
☒ Processing fee under 37 CFR 1.17(i) ☒ Any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee \$130

Fee Code 1808 for all,

Except for \$1.221 papers (Fee Code 1803)

For papers filed under:

- § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 – for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 – for correcting inventorship, except in provisional applications.
- § 1.52(d) – for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 – for entry of late priority papers.
- § 1.99(e) – for processing a belated submission under § 1.99.
- § 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) – for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) – for requesting deferred examination of an application.
- § 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 – for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) – for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 – for a patent to issue to assignee, assignment submitted after payment of the issue fee.



Signature

April 8, 2005

Date

Edward A. Gordon

54,130

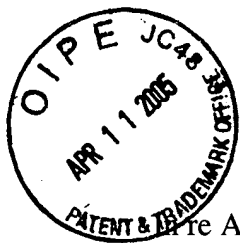
Typed or printed name

Registration No., if applicable

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Dated: 4/8/05

Signature:  (Joanne Ryan)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:
Fink, et al.

Serial No: 10/686,492

Filed: October 14, 2003

For: Optically Powered and Optically
Data-Transmitting Wireless
Intraocular Pressure Sensor Device

Attorney Docket No. CTCH-P01-021

Art Unit: 3762

Examiner: Not Yet Assigned

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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4/8/05

Date of Signature
and of Mail Deposit

Joanne Ryan
Joanne Ryan

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATEMENT OF ELLIS MENG

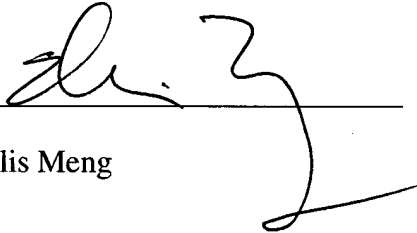
Sir:

I, Ellis Meng residing at 1170 East Del Mar Boulevard, Pasadena, CA, hereby state that:

1. I was inadvertently listed as an inventor in the above-identified application, hereinafter called the "referenced application."
2. The referenced application was filed as an application of Wolfgang Fink, Eui-Hyeok Yang, Yoshi Hishinuma, Choonsup Lee, Thomas George, Yu-Chong Tai, Ellis Meng, and Mark Humayun.
3. The inadvertent inclusion of my name as an inventor occurred without any deceptive intent.

The undersigned declares further that all statements made herein of his own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 3-11-05



Ellis Meng



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fink, et al.

Serial No: 10/686,492

Filed: October 14, 2003

For: Optically Powered and Optically
Data-Transmitting Wireless
Intraocular Pressure Sensor Device

Attorney Docket No. CTCH-P01-021

Art Unit: 3762

Examiner: Not Yet Assigned

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

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4/8/05

Date of Signature
and of Mail Deposit

Joanne Ryan
Joanne Ryan

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATEMENT OF YU-CHONG TAI


Sir:

I, Yu-Chong Tai residing at 3191 East California Boulevard, Pasadena, CA, hereby state that:

1. I was inadvertently listed as an inventor in the above-identified application, hereinafter called the "referenced application."
2. The referenced application was filed as an application of Wolfgang Fink, Eui-Hyeok Yang, Yoshi Hishinuma, Choonsup Lee, Thomas George, Yu-Chong Tai, Ellis Meng, and Mark Humayun.
3. The inadvertent inclusion of my name as an inventor occurred without any deceptive intent.

The undersigned declares further that all statements made herein of his own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: March 29, 2005

A handwritten signature in black ink, consisting of a large, stylized 'Y' followed by a series of loops and a horizontal stroke at the end.

Yu-Chong Tai



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

OPTICALLY POWERED AND OPTICALLY DATA-TRANSMITTING WIRELESS
INTRAOCULAR PRESSURE SENSOR DEVICE

the specification of which was filed on October 14, 2003 as Application No. 10/686492.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Ropes & Gray LLP**, One International Place, Boston, Massachusetts 02110-2624, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☐ no such U.S. provisional applications have been filed.

☒ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/419,014	October 16, 2002	<u> x </u> Yes No ___
60/446,403	February 11, 2003	<u> x </u> Yes No ___
		___ Yes No ___

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 28120

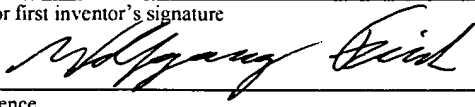
all of **Ropes & Gray LLP**, One International Place, Boston, Massachusetts 02110-2624, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

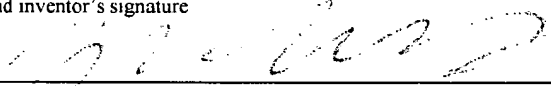
Please mail all correspondence to Matthew P. Vincent, whose address is:

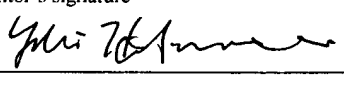
Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110-2624

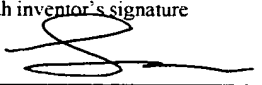
Please direct telephone calls to: Matthew P. Vincent at (617) 951-7739.

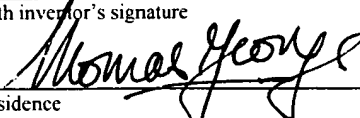
Please direct facsimiles to: (617) 951-7050

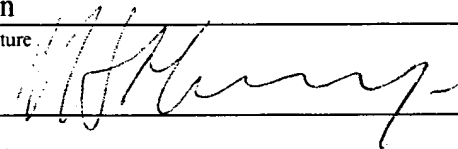
Full name of sole or first inventor Wolfgang Fink	
Sole or first inventor's signature 	Date 07/14/2004
Residence Montrose, California	
Citizenship Germany	
Mailing Address 2223 Montrose Avenue, #1 Montrose, California 91020	

Full name of second inventor, if any Eui-Hyeok Yang	
Second inventor's signature 	Date 08/01/2004
Residence Stevenson Ranch, California	
Citizenship Korea, Republic of	
Mailing Address 25507 Crockett Lane Stevenson Ranch, California 91381	

Full name of third inventor, if any Yoshi Hishinuma	
Third inventor's signature 	Date 7/14/2004
Residence Arcadia, California	
Citizenship Japan	
Mailing Address 1012 S. Golden West Avenue #A Arcadia, 91007	

Full name of fourth inventor, if any Choonsup Lee	
Fourth inventor's signature 	Date 7/14/2004
Residence Pasadena, California	
Citizenship Korea, Republic of	
Mailing Address 680 Marengo #1 Pasadena, California 91006	

Full name of fifth inventor, if any Thomas George	
Fifth inventor's signature 	Date 8/9/04
Residence La Canada Flintridge, California	
Citizenship US	
Mailing Address 4843 Carmel Road La Canada Flintridge, California 91011	

Full name of sixth inventor, if any Mark Humayun	
Sixth inventor's signature 	Date 8/6/04
Residence Glendale, California	
Citizenship US	
Mailing Address 2757 Sleepy Hollow Place Glendale, California 91206	

Full name of seventh inventor, if any	
Seventh inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of eighth inventor, if any	
Eighth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	